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<i>Policy to be reviewed</i>	<i>September 2020</i>

**BOWER GROVE SCHOOL**  
**COMPLAINTS PROCEDURE**

It is in everyone's interest that complaints are resolved at the earliest possible stage. In order to investigate your complaint as fully as possible, the governing body has a staged process. Most issues are sorted out informally and we would recommend that you try this approach first. However, if you feel that there is nothing to be gained and you wish to make a formal complaint, you have the right to go straight to Stage 2 of the Complaints Procedure.

**Stage 1 (Informal) – Complaint heard by staff member**

- Parents are always welcome to discuss any concerns with the appropriate member of staff, who will clarify with the parent the nature of the concern and reassure them that the school wants to hear about it. Parents should be advised from the outset that there is a Complaints Procedure that they can use if the matter cannot be resolved. The member of staff may explain to the parent how the situation happened. It can be helpful at this point to identify what sort of outcome the parent is looking for.
- If the member of staff first contacted cannot immediately deal with the matter, s/he should make a clear note of the date, name and contact address or phone number.
- All members of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. S/he should check later to make sure the referral has been dealt with.
- The school will respect the views of a complainant who indicates that s/he would have difficulty discussing a complaint with a particular member of staff. In these cases the Complaints Co-ordinator can refer the complainant to another member of staff.
- If the matter is brought to the attention of the Headteacher, s/he may decide to deal with the complaint. If the complaint is against the Headteacher, the parent will be advised to contact the Chair of the Governing Body.
- Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure.
- The member of staff dealing with the concern will make sure the parent is clear what action (if any) or monitoring of the situation has been agreed, putting it in writing if appropriate.
- While it is often a helpful way to resolve problems more quickly, a parent or pupil is not required to pursue informal ways to address complaints but has the right to make a formal complaint at any time.

**Stage 2 (Formal) – Complaint heard by Headteacher**

- A complaint may be made in person, by telephone, in writing or by email to office@bower-grove.kent.sch.uk
- In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be kept and a copy of any written response added to the record. Where there are communication difficulties, the school may use recording devices to ensure the complainant is able to access and review the discussions at a later point.
- A Complaints Form is available from the school office or via the school website (on the policies page) in order to assist with writing a complaint.
- The Headteacher (or Complaints Co-ordinator) will acknowledge the complaint in writing within three working days of receiving the complaint. The acknowledgement will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This should normally be within ten working days. If this proves impossible, a letter will be sent explaining

the reason for the delay and giving a revised target date. This will be within a maximum of 20 working days unless it is a particularly complex issue.

- The Headteacher will provide an opportunity for the complainant to meet them to supplement any information provided previously or to record the complaint in writing if it has been made verbally. It will be made clear to the complainant that if s/he wishes s/he might be accompanied to any meeting by a friend, relative, representative or advocate who can speak on his/her behalf or to provide support.
- If necessary the Headteacher will interview other parties and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed, unless this is judged not to be in the interests of the pupil's welfare. Pupils should normally be interviewed with parents/guardians present, but if this would seriously delay the investigation of a serious/urgent complaint or if the pupil has specifically said that s/he would prefer that parents/guardians were not involved, another member of staff with whom the pupil feels comfortable should be present. If a member of staff is complained against, they must have the opportunity to present their case.
- The Headteacher will record the progress of the complaint and the final outcome and will keep these records centrally.
- Once all the relevant facts have been established as far as possible, the Headteacher will produce a written response to the complainant, including a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. The complainant will be advised that should s/he wish to take the complaint further, s/he should notify the Chair of Governors within 20 working days of receiving the letter.
- If the complaint is against the Headteacher, or if the Headteacher has been closely involved in the issue, the Chair of the Governing Body will carry out all the Stage 1 procedures.
- Complaints against the Chair of Governors or any individual governor should be made by writing to the Clerk to the Governing Body.

### **Stage 3 (Formal) – Complaint heard by Governing Body's Complaints Appeal Panel**

- If the complainant is not satisfied with the response of Headteacher, h/she may request that the complaint is put before the Governing Body's Complaints Appeal Panel. The Governors' appeal hearing is the last school-based stage of the complaints process and will not be convened merely to rubber-stamp previous decisions.
- The complainant should write to the Clerk to the Governing Body giving details of the complaint and asking that it is put before the appeal panel. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene a Governing Body complaints panel.
- The acknowledgement will inform the complainant that three members of the school's Governing Body will hear the complaint within 20 working days of receiving the complaint. The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three members.
- A meeting of the Governing Body's Complaints Panel will be convened. No governor may sit on the panel if they have had prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, Governors will try to ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation. The Headteacher will not sit on the Panel. An experienced governor will chair the panel meeting.
- If the whole governing body is aware of the substance of the complaint before the final stage has been completed, the school may arrange for an independent panel to hear the complaint. Complainants have the right to request an independent panel, if they believe there is likely to be a bias in the proceedings. The school will consider the request but ultimately, the decision is made by the governors.
- The Chair of the Panel will ensure that the Panel hears the complaint within 20 working days of receiving the letter. All relevant correspondence relating to the complaint will be given to each Panel member as soon as the composition of the Panel is confirmed. If the correspondence is extensive, the Chair may prepare a thorough summary for sending to Panel members.

- The Chair or Clerk will write and inform the complainant, Headteacher, any relevant witnesses and members of the Panel at least five working days in advance of the date, time and place of the meeting. The notification will also inform the complainant of his/her right to be accompanied to the meeting by a friend/advocate/interpreter and explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.
- The Headteacher will be invited to attend the Panel meeting and will be asked to prepare a written report for the Panel in response to the complaint. All attendees including the complainant should receive a set of the relevant documents including the Headteacher's report and the agenda, at least five working days prior to the meeting.
- Submission of additional documents or requests for additional attendees will be at the discretion of the Chair of the Panel.
- At the Panel hearing:
  - The complainant will have the opportunity to present their complaint.
  - The Headteacher will explain the school's position.
  - Those present will have the opportunity to ask questions.
  - Panel members will have the opportunity to ask questions of the complainant and the Headteacher.
  - The Headteacher will be given the opportunity to make a final statement to the Panel.
  - The Chair will ask the complainant if s/he feels they have had a fair hearing.
- The Chair of the Panel will ensure that the meeting is properly minuted by a clerk.
- The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it is recognised that the complainant may not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- The Chair of the Panel will explain to the complainant and Headteacher that the Panel will consider its decision and that a written decision will be sent to both parties within 15 working days. The complainant, Headteacher, other members of staff and witnesses will then leave.
- The Panel will then consider the complaint and all the evidence presented and
  - Agree a decision on the complaint (the Panel can uphold or dismiss the complaint in whole or in part)
  - Decide upon the appropriate action to be taken to resolve the complaint
  - Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
- A written statement clearly setting out the decision of the Panel will be sent to the complainant and Headteacher. The letter to the complainant should also advise how to take the complaint further.
- The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records in the Headteacher's office.

### **The final stage of appeal**

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so. The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out and examine policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools.

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Store Street,*

### **Serial and Persistent Complainants**

There may be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to re-open the same issue, the Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant contacts the school again on the same issue, then the correspondence may be recognised as 'serial' or 'persistent' and there will be no obligation on the part of the school to respond.

However, should the complainant raise an entirely new, separate complaint, this will be responded to in accordance with the complaints procedure.

### **Appendices**

Appendix 1      Policy for Unreasonable Complainants

## **APPENDIX 1**

### **POLICY FOR UNREASONABLE COMPLAINTS**

Bower Grove School is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and we will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Bower Grove School defines unreasonable complainants as *‘those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people’s complaints’*.

A complaint may be regarded as unreasonable when the person making the complaint:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced.
- Changes the basis of the complaint as the investigation proceeds.
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
- Refuses to accept the findings of the investigation into that complaint where the school’s complaint procedure has been fully and properly implemented and completed including referral to the Department for Education.
- Seeks an unrealistic outcome.
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing electronically:

- Maliciously
- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowing it to be false
- Using falsified information
- Publishing unacceptable information in a variety of media such as in local media websites and newspapers

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached. Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying ‘unreasonable’ marking.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Bower Grove School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Bower Grove School.

#### Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Bower Grove School will ensure it remains a safe place for pupils, staff and other members of the community. If a parent's behaviour is giving cause for concern, the school can ask him/her to leave the school premises. In serious cases, the Headteacher or local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. The school will give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed, the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

**BOWER GROVE SCHOOL**  
**OFFICIAL COMPLAINTS FORM**

Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Daytime telephone number:</b> <b>Evening telephone number:</b>
<b>Please give details of your complaint</b>
<b>What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response?)</b>

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**  
**Date:**

<b>OFFICIAL USE</b>
<b>Date acknowledgement sent:</b>
<b>By who:</b>
<b>Complaint referred to:</b>
<b>Date:</b>